

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

DEPARTMENT OF WATER SUPPLY,
County of Hawaii,

Respondent.

CASE NO. OSH 2007-24

ORDER NO. 275

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) by conference on February 8, 2008, and attended by J. Gerard Lam, Deputy Attorney General, for Complainant, and Katherine A. Garson, Deputy Corporation Counsel, for Respondent (via telephone), IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:

A. Citation 1, Item 1a - 29 CFR 1910.180(b)(2)

1. Whether Respondent violated 29 CFR 1910.180(b)(2) as described in Citation 1, Item 1a, issued on October 23, 2007?
2. Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
3. Whether the imposition and amount of the \$1,875.00 penalty is appropriate? If not, what is the appropriate penalty?

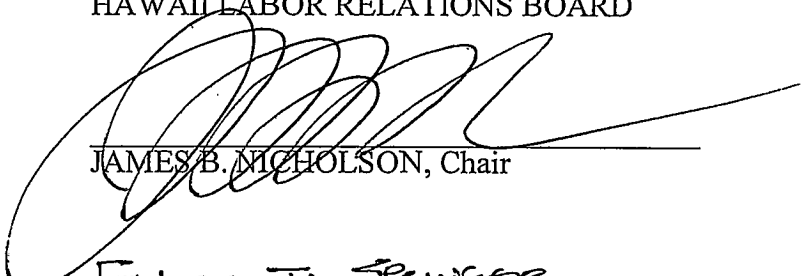
B. Citation 1, Item 1b - 29 CFR 1910.180(c)(2)

1. Whether Respondent violated 29 CFR 1910.180(c)(2) as described in Citation 1, Item 1b, issued on October 23, 2007?

2. Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
2. The deadline for the parties' final naming of witnesses is **March 19, 2008**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with the witnesses' addresses and brief summary of expected subject of their testimony, to the other party and to the Board by this date. Each party shall also exchange any expert witness reports by this date.
3. The discovery cutoff date is **April 8, 2008**. All other discovery and information requests, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for **May 8, 2008, at 9:00 a.m.**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, February 11, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the

trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General
Katherine A. Garson, Deputy Corporation Counsel